

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
FEBRUARY 23, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Harrison led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager – None.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes** – None.

- * **2.3 Mayor Wasserman opened consideration to Authorize the City Manager or Designee to Approve and Execute Subordination Agreements to Subordinate City Lien to Lender Security Instruments in Connection with the Deferral of Development Impact Fees for Main Street Village Planned for Main Street and High Street in Irvington**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or designee to approve and execute subordination agreements and other legal documents, prepared or approved by the City Attorney, and to take all actions necessary to subordinate the City lien to lender security instruments, as required, in connection with the deferral of development impact fees for Main Street Village.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
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Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider an Action to Vacate Railroad Avenue Located North of the Washington Boulevard Overcrossing and East of the Former High Street/Main Street Intersection in the Irvington Planning Area**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Found the proposed general vacation of Railroad Avenue is exempt from environmental review pursuant to CEQA Guideline 15305, Minor Alterations in Land Use Limitations, and CEQA Guideline 15282(g) statutory exemption for grade separation projects.
3. Found General Vacation (PLN2009-00033), as depicted and described in Exhibit "A," is in conformance with the General Plan, for the reasons stated in the body of this report.
4. Found General Vacation (PLN2009-00033), as depicted and described on Exhibit "A," fulfills the applicable criteria set forth in Streets and Highways Code Section 8324 in that the street proposed to be vacated, Railroad Avenue, is unnecessary for present or prospective public uses.
5. Found General Vacation (PLN2009-00033), as depicted and described in Exhibit "A," fulfills the applicable criteria set forth in Streets and Highways Code Sections 8314 and 892 in that it would not be useful to retain as a non-motorized transportation facility.
6. Adopted Resolution No. 2010-08 including the findings referenced in recommendations 3, 4 and 5, vacating Railroad Avenue located north of the Washington Boulevard overcrossing and east of the former High Street/Main Street intersection, and reserving rights for the existing utility facilities crossing Railroad Avenue as depicted and described in Exhibit "A."
7. The City Clerk shall record the Resolution for general vacation PLN2009-00033 with the Alameda County Recorder and return a copy of the recorded Resolution to the Planning Division and the Engineering Division of the Community Development Department for the PLN2009-00033 project file.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of Public Hearing (Published Notice) To Consider a City-initiated Zoning Text Amendment to Amend Fremont Municipal Code Title VIII, Chapter 2, Article 21 Sign Regulations to Allow the Substitution of Noncommercial Copy in Lieu of any other Commercial or Noncommercial Copy, and to Prohibit New Billboards within the City of Fremont**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Found that the project is categorically exempt from the California Environmental Quality Act (CEQA) under Guideline 15061(b)(3), the general rule, because it is not a project which has the potential for causing a significant effect on the environment.
3. Found the Zoning Text Amendment is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Fundamental Goals and Local Economy Chapter as enumerated within the staff report.
4. Found the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment because the proposed amendment is in conformance with current court decisions and explicitly states the intent of the current ordinance.
5. Waived full reading and introduced an ordinance to adopt the Zoning Text Amendment, as set forth herein based upon findings in Exhibit "A" (Draft Ordinance).
6. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Resolution: Honoring Building Inspector Specialist Susan Byrne for 20 Years of Service

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications – None.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of a Resolution of Local Support Authorizing Application for Priority Development Area Designations (PDA) in the Warm Springs BART Station Area in Response to a Regional Initiative (FOCUS) Spearheaded by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) in Coordination with the Bay Area Air Quality Management District

(BAAQMD) and the Bay Conservation and Development Commission (BCDC) Local Identification of Development and Conservation Areas

Senior Planner Kelly Diekmann provided an overview of the “Focus Our Vision” (FOCUS) Program, Fremont designated Priority Development Areas (PDA), and reviewed PDA eligibility guidelines and PDA incentive eligibility. Mayor Wasserman opened the item for public comment. Les Mensinger expressed concern that uses for the NUMMI area have not be considered and included in the General Plan. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council:

1. Adopted Resolution No. 2010-09, a Resolution of Local Support for the Warm Springs Priority Development Area;
2. Authorized the City Manager, or his designee, to execute the necessary documents to accept the designation and to comply with any ABAG reporting requirements;
3. Authorized the City Manager, or his designee, to submit an application to ABAG for a Warm Springs Priority Development Area.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

7.2 Mayor Wasserman opened consideration of Presentation of a Draft General Plan “Vision Book” for Council Review and Comment

Policy & Special Projects Manager Dan Schoenholz and Planner Taryn Hanano presented the series of topical sections in the draft “Vision Book” that will illustrate the General Plan Vision in a user-friendly and attractive format. Staff responded to questions from Councilmembers. Councilmembers provided comment and feedback related to the content of the draft “Vision Book” and photos. No action was taken.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Update to Council Assignments to Outside Commissions, Committees or Boards

This item was continued in order to make several additional revisions.

8.2 Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 8:35 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor